

**Town of Chesapeake City
Planning & Zoning Minutes
Public Hearing on
Comprehensive Development Ordinance
7/20/11**

The meeting was called to order at 6:30 p.m. followed by the Pledge of Allegiance. In attendance were the following: Chairman Bill Miners, Elaine Shepard, Harry Sampson, Frank Vari, Norman Carter, Lee Adams, Town Administrator Sharon Weygand and Consultant Chris Jakubiak. Bob Miller was absent. The Public Notice for the Comprehensive Development Ordinance was read into the record by Chairman Miners.

Chris Jakubiak from Jakubiak Associates highlighted and reviewed the key points of the Draft Comprehensive Development Plan. Mainly, the plan consolidates the Zoning Ordinance and Subdivision Regulations into one document. The purpose of zoning is to regulate development with land use activities within public interest, public health and safety. The mapping for the entire town is divided into separate zones, and certain standard or requirements are applied. There are residential zones, commercial zones and mixed use zones with standards and setbacks. These standards vary depending on the zone. It establishes what the maximum and minimum density should be for housing per acre. Also, it tries to scale the town to be compatible with the long term vision of the Comprehensive Plan. There is consistency between the Zoning Ordinance and the Comprehensive Plan which is required by state law. The process has taken the P&Z Commission approximately 16 months.

GOALS

Goals in the document are the following:

- Consistency with comprehensive plan;
- Allows development for infill lots;
- Promotes compatibility with new and old – what exists today should stay in order to establish a pattern for the future;
- Streamlines the entire development review process – eg. there is a quicker process for smaller projects which involves the Zoning Administrator rather than the Commission;
- Authorizes Planning & Zoning Commission to delegate those minor process approvals to the Zoning Administrator;
- Formalizes the plan submittal and review process such as major commercial site plans or residential subdivisions. Far more is required on part of the developer such as standards having to meet submittal requirements;
- Requires more rigorous submittals for major projects;

- Promotes flexibility which allows P&Z to modify modest minor regulations or contents to make a better project. This relates to building standards, landscaping standards, and parking requirements;
- Allows Zoning Administrator, who administers the zoning ordinance on a day-to-day basis, to administratively waive strict enforcement of the code. For example, if a person falls 6 inches short of meeting the standard, the Zoning Administrator can say you met the intent, and you don't have to go through the complicated process of going to Board of Appeals; the variance may be approved once certain standards are met as set forth in the law;
- Encourages Board of Appeals and Historic Commission to establish rules of procedure;
- Creates a new mix use land district for Village Commercial VC which applied to future annexation areas;
- Provides new standards for the design of town streets so they look like they belong in Chesapeake City;
- Allows property owners in VC to rebuild on the same footprint. The owner doesn't need to go thru time consuming process of going to the Board of Appeals for variances. It gives them the right to build back historic building on the same footprint.

CHRIS JAKUBIAK'S REMARKS ON ANTICIPATED QUESTIONS

Is it true that only one residential district is now proposed?

Yes, now we have four districts - R1, R2, R3 and Traditional Neighborhood Design TND. To modernize and streamline the ordinance, we apply the same standards of Smart Growth and the existing character of Chesapeake City to the entire town. Now, there is one residential district, TND, proposed for the entire town.

Does it mean commercial use is allowed in different neighborhood?

No, few commercial type districts are allowed in residential neighborhoods that existed before. There are multiple opportunities to accommodate commercial in Chesapeake City - Village Center, annexation areas, and commercially zoned properties on RT. 213.

Is it possible to see multifamily or townhouses in existing neighborhoods?

No, not very likely. In Article 3 Development Plan Approvals, these uses will be created only if they are approved by Special Exception having first been reviewed by the Planning Commission and with the Public Hearing of the Board of Appeals. Under the proposed code, one whole acre would need to be created for a townhouse of multifamily development in

the town. However, in areas not developed, it may be likely that we have multifamily or townhouse development.

Chris discussed the new Zoning Map and TND district change in the character of areas now zoned R1 and R2. Most of the residential area is in R1 & R2. These areas will not be impacted by the new standards that are set forth in the TND district with the exception of one area in town. There is currently a mix of lot sizes in R1& R2. However, most lot sizes are comparable to the proposed TND standards. In fact many lots in the R1&R2 district are narrower than the 50 foot standard. The TND standards may allow some single family infill which may not be allowed in the current code. But the standards are consistent with the typical lot and current R1 and R2 zones. The main exception to this rule is along Biddle Street on the north side of town going east. These lots are bigger which is one exception were R1 is clearly different. This area is a suburban pattern and is not consistent with character of historic parts of town

In addition, there are proposed setback changes. For example, the front set back will be 5 percent of the average of all the setbacks on your block which will establish a comparable standard.

PUBLIC COMMENTS FROM THE FLOOR

Resident
506 Biddle Street
Chesapeake City, Md 21915

She was confused on what TND means and asked if it is the same as a planned unit development PUD.

Chris explained the difference between Planned Unit Development PUD and TND. PUD is a process by which a developer can set aside strict requirements in the ordinance to create special communities where setbacks and building heights may be varied. It requires a higher level of review and public meetings. Basically, it puts a stamp on a piece of land as being special - Planned Unit Development. TND is just the name of the zoning district, and it means Traditional Neighborhood Development. All standards and goals of the Comprehensive Plan are aimed at replicating what we have in the town on the new areas as they develop.

A lot of the ordinances she was reviewing have "Sections are Reserved" for amendments and additions in the future. Is that something that we should have?

Chairman Bill Miners addressed the question. We do have a Reserved Section in the current and old ordinance. We do not need to have a reserved section because P&Z can add an amendment at any time.

In regards to a major subdivision with 10 or 20 or more units, would P&Z limit the number of rental units in a development to say 20 percent, which she has seen in other municipal ordinances?

Historic District - would P&Z consider preserving the area between Bank Street going down past the canal so that the houses can be kept as a Historic District rather than being removed?

She would like to address who ever the developer would be that a statement is included that governs the construction and operation and maintenance of sanitary storm sewers, streets, driveways, and parks. It was questioned if this has been addressed and if this is specifically addressed in our ordinance that we are not going to do these things. She would like to see this specifically addressed.

This issue has come up. It is clear that streets and other things are to be dedicated to the town. However, there was a provision that said storm water management facilities and other common area are to be maintained by developer or another entity or Home Owner Association, and the town would not take on maintenance responsibilities.

It was noted that we need to have the mechanism that gives us the right to turn down that type of request. Also, we need the mechanism to be a little bit flexible when it makes sense to do so and is based on Findings of Facts.

[Resident] read into the record an Ordinance from another municipality regarding Final Review approval process - "The Mayor and Commissioners may approve or disapprove the proposed PUD zoning. In granting approval, the Mayor and Commissioners shall secure:

(a) A surety bond or equivalent to be filed for/or deposited in escrow with the Mayor and Commissioners in an amount sufficient to ensure completion of all requirements established by the Mayor and Commissioners. Such surety to be reviewed annually and adjusted to reflect current costs."

See enclosed Attachment A

Chris noted the ordinance does deal with this although it is not stated so clearly. This is part of the Public Works Agreement – Rules and Procedures. The town may want to consider adopting this language.

Resident
420 4th Street
Chesapeake City, MD 21915

He is not clear on TND and where does that fall into these two documents – Comprehensive Plan and Zoning Ordinance? To him TND is like putting porches on buildings and making them look like we have in town. Is that correct?

TND is an official zoning district. Chris clarified the labeling of this district which is denoted on the displayed map in yellow. What is yellow now is both R1, R2 & R3 with the TND overlay. We looked at what the town is now, and we should replicate that in the new areas to have equitable treatment of land use in the entire town. If the comment is, it is difficult to understand the TND, we can change it to R1 or Residential. It wouldn't change the principles of the ordinance and plan.

So there is a set of rules and where does that appear?

Architectural standards apply for the entire town, and they are part of the permitting process. You can be in TND or VC but the standards still have to be met. The standards are referred to in the ordinance. Copies are available and are also online. There are three separate documents: the Architectural Standards, the Comprehensive Plan and the Draft Comprehensive Development Plan.

If a development has a mix of for sale units and rental units, can we put in a requirement that a majority of for sale units are completed before any rental units are started?

This would have to be done within the confines of the law. However, this could be controlled to some level of flexibility as suggested with surety bonds and percentage limits. It is important to have a mechanism in this ordinance regarding this issue.

Do we have anything in the ordinance that requires the developer to maintain sidewalk, landscaping, driveway curbs for a period of time, so that the owner's are not responsible?

We require that bond is held and released when capital projects are finished. Smaller portion is held by a one year maintenance bond. The Town has a Public Works Agreement, and Cecil County does the inspections.

Resident
208 Bohemia Ave.
Chesapeake City, MD 21915

Historic was zoned Village Commercial. Is it still going to be that way?

Yes, it is going to stay that way and is not changing.

[He] agrees with [Resident] that there should be a certain percentage of rental units allowed in any kind of future development. He thinks 20 percent is too liberal. He was thinking along the lines of 5 percent.

The percentage number needs to be consistent with what currently exist today. Mayor Frank Hill stated based on water service that approximately 12 percent are currently rental units.

Resident
327 Bohemia Ave.
Chesapeake City, MD 21915

Her suggestion is that we use whatever percentage that P&Z feels comfortable with and something is included in this ordinance.

Also, she suggested that we place a moratorium on review of any new or existing revisions to any proposed development until the new P&Z Ordinance is adopted.

Bill was not sure we can legally do this. This will have to be verified. In addition, this ordinance will be presented to Town Council for their approval.

Resident
206 George St.
Chesapeake City, MD 21915

In the future, can the Commercial Architectural Standards be added on at any time to this ordinance?

Yes, they can be added on at any time as an amendment. P&Z would like to start the Commercial Architectural Standards after this ordinance is adopted.

Resident
232 Bank Street
Chesapeake City, MD 21915

Chris mentioned HOA associated earlier when we talked about dedication of streets and open space. The town doesn't approve of HOA. So should P&Z do something about HOA's?

[Resident] commented that you can't have HOA if there is a maintenance agreement. Shiplake Townhouses has a maintenance agreement for the maintenance of the 8 units.

Condominiums by law are to have HOA to manage them.

[Resident] – as a follow up to [Resident], she has a section on HOA from another municipality she would like to submit as part of the record. See enclosed Attachment B Section 245 Homeowners Association.

Chris – The question is not HOA but what role and activities an HOA engages in with respect with facilities and property.

[Resident] - What is the official name of the new combined document?

The official name is Comprehensive Development Ordinance.

[Resident] - What happens next?

Next , all comments will be put together, Chris will add changes to ordinance, P&Z will vote, and the vote will be to send as a final document to Town Council. Town Council will review the document, then have a Public Hearing, and approve the document.

P&Z's objective is to send the document to Town Council within the next few weeks.

NOTE: Harry Sampson did not have a copy of May's revisions. He will review the document and forward comments or corrections. In regards to Noise Ordinance, he was referred to Page 79 Item 7 Pub, Bar, Nightclub, Dance Hall and Cocktail Lounge. It should be consistent with the Noise Ordinance. This will be verified.

There is an ordinance in place for demolition. Demolition Ordinance is in place and prevents the owner of developing or using the property in 5 years.

[Resident] asked if only council can approve an ordinance? Then why are the other ordinances not incorporated in the Draft Comprehensive Development Ordinance such as nightclub and noise?

This set of ordinances is approved by Council. They are incorporated in the book of laws for the town such as noise ordinance, Planning and Zoning Ordinance etc.

MOTION was made by Elaine Shepard and seconded by Harry Sampson to close the Public Hearing at 7:45 p.m. All in Favor; motion carried.

Respectfully submitted,

Sharon Weygand, Recorder

NOTE: When posting the minutes online, for the protection of our residents, names will be deleted, and "Resident" will take it's place.